

ORIGINAL TRANSCRIPT

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

\* \* \* \* \*

USA, ET AL., SIMONEAUX

NO.: 3:12-CV-00219

VERSUS

E.I. DU PONT DE NEMOURS  
& COMPANY

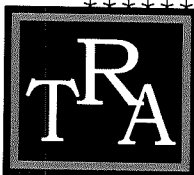
\* \* \* \* \*



The deposition of ROBERT CAYETTE  
Taken on Monday, the 16th day of September, 2013  
Commencing at 9:29 a.m.

At the offices of  
J. Arthur Smith, III  
830 North Street  
Baton Rouge, Louisiana 70802

REPORTED BY: ELICIA H. WOODWORTH, C.C.R.



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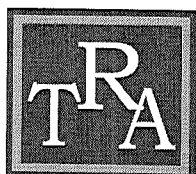
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JSA 7/22/12	



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1 APPEARANCES:

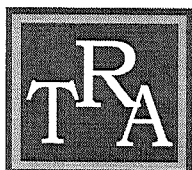
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## STIPULATION

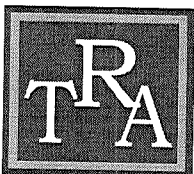
It is stipulated and agreed by and between all parties that the deposition of Robert Cayette is hereby being taken under the Louisiana Code of Civil Procedure for all purposes.

The witness waived the right to read and sign the deposition. The original is to be retained by Jane H. Barney, Esquire for proper filing with the Clerk of Court.

All objections, except those as to the form of the question and the responsiveness of the answer, are hereby reserved until the time of the trial of the cause.

\* \* \* \*

Elicia H. Woodworth, Certified Court Reporter in and for the State of Louisiana, officiated in administering the oath to the witness.



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1 ROBERT CAYETTE,  
2 Having been first duly sworn, was examined and testified  
3 as follows:

4 EXAMINATION BY MS. BARNEY:

5 Q. Good morning, Mr. Cayette.

6 A. Good morning.

7 Q. Thanks for coming in today.

8 You did receive, I think, a subpoena for your  
9 deposition today?

10 A. Yes.

11 Q. Could you state your full name and address for  
12 the record.

13 A. My name is Robert Anthony Cayette. My address is  
14 7148 Cayette Street, St. James, Louisiana.

15 Q. Cayette Street?

16 A. Yes, ma'am.

17 Q. Okay. That must be a family area?

18 A. Yes.

19 Q. Okay. Before we get into too much, I wanted to  
20 just explain a little bit about the way a deposition  
21 works.

22 Have you ever given a deposition before?

23 A. No, ma'am.

24 Q. The way it work is I'm going to be asking you  
25 questions. Ms. Weiner might ask you questions after a



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1 while, and the court reporter is going to be taking down  
2 what we say. One thing that we need to watch out for,  
3 and I'm kind of bad about it, is talking over one  
4 another, like if you can let me finish my question  
5 before you start your answer, even if you know what I'm  
6 trying to say.

7 A. Yes.

8 Q. If you can, wait until I finish, and I'll try and  
9 wait until you finish your answer before I start my next  
10 question. It makes it easier for the court reporter to  
11 get everything down.

12 A. Okay.

13 Q. The other thing is, if you can answer out loud,  
14 like if it's a yes or no, say yes or no instead of like  
15 nodding your head --

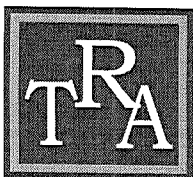
16 A. Okay.

17 Q. -- or saying "uh-huh" or "huh-uh".

18 A. All right.

19 Q. If you can try to remember to do that.

20 You are under oath as if you were in a court of  
21 law, so it's important to, you know, try to tell the  
22 truth to the best of your ability and knowledge. If  
23 there's something you don't know, then you can say you  
24 don't know. That's perfectly fine. Try not to guess,  
25 and just if you are making a guess, just say that you're



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1 making a guess.

2 A. Okay.

3 Q. If you don't understand a question that I've  
4 asked, just tell me that you don't understand what I'm  
5 saying.

6 A. All right.

7 Q. And I'll try to rephrase it. If you answer the  
8 question, then I'll assume you understood what I was  
9 asking, so it's important to let me know so I can try to  
10 rephrase.

11 A. Okay.

12 Q. If at any point you need a break, just let us  
13 know and we can stop and take a break. And there's  
14 water over here -- actually, I'm going to stop a second  
15 and get you some because sometimes you start talking,  
16 you realize you need some water.

17 Do you have any questions about the deposition  
18 process so far?

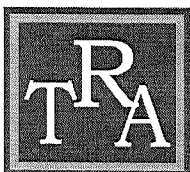
19 A. No, I don't have any.

20 Q. Okay. Did you do anything to get ready for your  
21 deposition today?

22 A. No.

23 Q. Okay. Did anybody at KBR talk with you about  
24 your deposition?

25 A. No.



1 Q. Okay. Did you have to take off or ask permission  
2 to be here?

3 A. Yes.

4 Q. Who did you ask permission from?

5 A. My supervisor.

6 Q. Who's that?

7 A. Mark Macha.

8 Q. Did he have any advice or instructions for your  
9 deposition today?

10 A. No, only said just bring a paper signed, give it  
11 back to him so I can get paid.

12 Q. All right. So he didn't tell you what your  
13 deposition might be about?

14 A. No.

15 Q. Okay. Do you have any understanding about what  
16 the deposition today is about?

17 A. A little bit, but I didn't ask.

18 Q. What's your understanding?

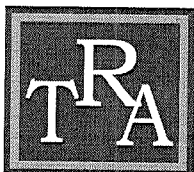
19 A. That this guy is suing DuPont, so, I mean, that's  
20 all I know.

21 Q. And do you have an understanding of who has sued  
22 DuPont?

23 A. Jeff Simoneaux.

24 Q. Okay. And how did you learn that?

25 A. When I got the deposition -- the paper.





1 Q. Okay.

2 A. Yes.

3 Q. All right. Do you know Mr. Simoneaux?

4 A. Not when I started working. It took like a  
5 couple of years. He was the operator. I was just a  
6 helper.

7 Q. Okay. How long have you known Mr. Simoneaux?

8 A. Probably 10 years.

9 Q. Okay. And how often would you say you worked  
10 with Mr. Simoneaux or worked around him in your job?

11 A. Well, I did -- we'd get a permit, and sometimes  
12 he might have to go shut a valve or something like that  
13 or a lockout or something.

14 Q. Okay. So maybe occasional interaction; would  
15 that be a good description? Every now and then you're  
16 around him or were around him over the last 10 years,

17 A. Yeah. Something like that, yeah.

18 Q. Okay. All right. I'd like to just go through a  
19 little bit of background information.

20 Are you married?

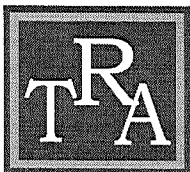
21 A. Yes, ma'am.

22 Q. Who are you married to?

23 A. Angela Cayette.

24 Q. Say that again for me.

25 A. Angela Cayette.



1 Q. Angela. Okay.

2 And how long have y'all been married, about?

3 A. Going on about 15 years.

4 Q. Okay. And were you married before that?

5 A. No, ma'am.

6 Q. What is the last school that you attended?

7 A. St. James High.

8 Q. Okay. And did you graduate from there?

9 A. No, ma'am.

10 Q. What grade level were you when you stopped?

11 A. Tenth.

12 Q. Okay. And what did you do starting in 10th  
13 grade? Where did you start working, or did you start  
14 working?

15 A. Well, I started working in the plant.

16 Just what kind of work are you talking about?

17 Q. At that point, did you start working?

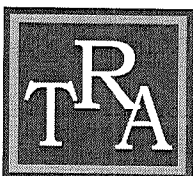
18 A. Well, I was working before that, you know, doing  
19 plant training and stuff like that after school, and  
20 when I quit school, I went and started working in a  
21 plant.

22 Q. Which plant was that?

23 A. First job was at Uniroyal.

24 Q. Okay.

25 A. I was working as a pipefitter helper. Local 102



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1 back then.

2 Q. Okay. And about how long were you at Uniroyal?

3 A. About a year.

4 Q. What year is this are we talking about? A long  
5 time ago, huh?

6 A. Yeah. I guess back in the 70s.

7 Q. Okay. Have you always worked in an industrial  
8 setting since you went to work at Uniroyal?

9 A. Yes.

10 Q. What year were you born?

11 A. January 1st, 1955.

12 Q. Okay. Rather than go through every job, maybe  
13 you could tell me some of the plants that you've worked  
14 at. You worked at Uniroyal. What other plants have you  
15 worked in?

16 A. I worked at Exxon Plastic, I worked at Triad, I  
17 worked at CF, I worked at Shell Norco and I worked down  
18 in Chalmette.

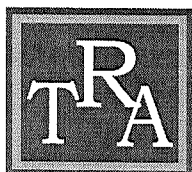
19 Q. Okay. Do you remember the name of the plant in  
20 Chalmette, or was that Norco?

21 A. No, that wasn't Norco. It might have been GP or  
22 something. I don't remember.

23 Q. Okay. And then you are working now at DuPont?

24 A. Yes.

25 Q. I'm sorry. KBR.



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1 A. Yes.

2 Q. KBR stands for what?

3 A. Kellogg and Brown and Root. That's out of  
4 Alabama.

5 Q. All right. So other than Uniroyal, Exxon  
6 Plastic, Triad, CF, Shell Norco and the Chalmette plant  
7 and your work at DuPont through Kellogg, Brown & Root,  
8 are there any other plants that you recall working?

9 A. No.

10 Q. Okay. How long have you been employed by  
11 Kellogg, Brown & Root?

12 A. I think it might be five years. I believe five  
13 or eight years.

14 Q. Were you employed by a company that changed its  
15 name to Kellogg, Brown & Root, in other words?

16 A. Yes.

17 Q. What was that company name?

18 A. It was KBR.

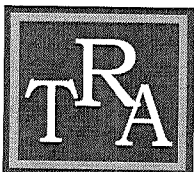
19 Q. Okay. Who hired you at KBR?

20 A. I went over there after Hurricane Andrew and Mark  
21 Macha had hired me.

22 Q. Okay. Hurricane Andrew was in about '90, maybe  
23 '91, early '90s?

24 A. Somewhere around there.

25 Q. Okay. So you've been working for KBR since that



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1 time?

2 A. No, ma'am.

3 Q. Tell me --

4 A. They had Mundy Company came in.

5 Q. I'm sorry. They had what?

6 A. Another company, Mundy.

7 Q. Okay.

8 A. And then I worked with them, then they switched  
9 to contractor KBR and then from there to BE&K.

10 Q. Okay. Since the early 1990s, have you been  
11 working under Mark Macha in some capacity?

12 A. Yes, as the supervisor.

13 Q. So the company names have changed?

14 A. Yes, ma'am.

15 Q. But for the most part, your job has been the  
16 same?

17 A. Yes.

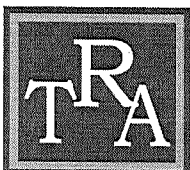
18 Q. What position were you hired in back in the early  
19 90s, like what was your job?

20 A. Well, I just was a helper.

21 Q. Okay. What about laborer; were you considered  
22 like a laborer, you were working outside?

23 A. Well, when I first started, yeah, I was like a  
24 laborer and then a helper.

25 Q. Okay. And then did your job description change



1 at some point since the early 90s?

2 A. Yeah. I just moved like to pipefitter helper.

3 Q. When did you make that move?

4 A. I guess back in -- I don't remember the date, but  
5 it's somewhere around in the 90s, I guess.

6 Q. Okay.

7 A. '98 or '99.

8 Q. All right. And what is your job today?

9 A. Pipefitter helper.

10 Q. Okay. And Mark Macha during this whole time has  
11 been some supervisor that you report to?

12 A. Yes. He's the supervisor, but I have a foreman.

13 Q. Who's the foreman?

14 A. Lonnie Blanchard.

15 Q. Have you had any training while you've been  
16 employed with KBR, any kind of formal training, like  
17 classes, that sort of thing?

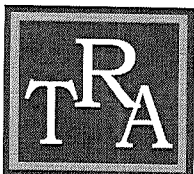
18 A. I mean, the only class we have is like forklift  
19 training and stuff.

20 Q. Okay.

21 A. Respiratory training, lock and tag training.

22 Q. Anything other else other that forklift training,  
23 respiratory training, lock and tag training that you can  
24 think of?

25 A. Yeah, training on respirators, training...



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1 Q. Okay. What about any environmental training;  
2 have you had any training on how to comply with  
3 environmental regulations?

4 A. I think so, yeah.

5 Q. Okay. What has been your training in that area?

6 A. Well, that's like on chemicals, different  
7 chemicals. It would be like MSDS training.

8 Q. Okay.

9 A. Just those, yeah.

10 Q. Okay. Do you recall which chemicals you received  
11 MSDS training about?

12 A. Well, acid plant, you got the Oleum and you've  
13 got your severe acid, your spent acid.

14 Q. All right. And just to clarify, the entire time  
15 that you've worked for KBR or -- let me strike that.

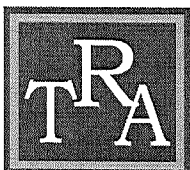
16 The entire time that you've worked for the  
17 company, whose name is now KBR or Kellogg, Brown & Root,  
18 under the direction of Mark Macha, have you always  
19 worked at the DuPont facility in Burnside?

20 A. Yes.

21 Q. So when you mentioned an acid plant, that's the  
22 plant you're talking about is DuPont?

23 A. Yes.

24 Q. All right. So you've had MSDS training on Oleum,  
25 severe acid and spent acid?



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1 A. Yes.

2 Q. Any other chemicals and products that you think  
3 you've had MSDS training on?

4 A. No. I mean, that's at the plant I'm at now.

5 Q. All right. How often have you received this  
6 training, the respiratory training, the respirator  
7 training, the MSDS training?

8 A. I think they do it every year, I believe.

9 Q. All right. And what's involved in the training?  
10 Is it a classroom or is it on the computer or what?

11 A. No. It will all be together, like a film would  
12 be watched.

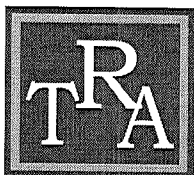
13 Q. Okay. What kind of things are shown on the film?  
14 Do they show equipment at DuPont on the film, for  
15 example?

16 A. They show us some of it, and then they have  
17 another guy to come in and teach us about it, show what  
18 it can do to you and stuff like that, or if it get on  
19 you, what to do.

20 Q. Do you remember the name of the guy who came in  
21 to teach you that?

22 A. One instructor, we used to call him Benny. I  
23 forgot his last name, but...

24 Q. Did you get the impression that he was a KBR  
25 employee or DuPont employee or what?





1 A. No. I think he was like a contractor. He'd go  
2 all over the plant, different plants, but they'd get him  
3 to come in and show the film or whatever.

4 Q. Okay. So they did have pictures of DuPont  
5 equipment on that training film; is that what you were  
6 saying?

7 A. It's like -- I think it was like pictures from  
8 some of it.

9 Q. Okay. And then so some of the film was more  
10 maybe general stuff that applied maybe at any plant?

11 A. Yes.

12 Q. And then some of the stuff on the film was  
13 specific to the DuPont Burnside plant?

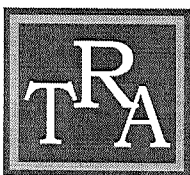
14 A. Yeah, to the acid. It tells you what it'd do to  
15 you and stuff like that.

16 Q. Okay. All right. What do you recall them  
17 telling you in this training, or the film telling you in  
18 this training about what acid can do to you?

19 A. It can burn. You try to get under a safety  
20 shower. All depends on how much get on you. They said  
21 if it's bad enough, they get rescue people to come pick  
22 you up.

23 Q. Okay. Did the film talk about gas that comes  
24 from the acid plant or can come from the plant?

25 A. Yes. Yeah. Yes.



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1 Q. Do you recall what the film or the training said  
2 about the gas?

3 A. I mean, if it have a leak or something, you know,  
4 the liquid turn into gas.

5 Q. Okay. Did they tell you anything about the  
6 hazard of the gas, what it can do to you?

7 A. Well, I mean, if you get caught into it without a  
8 respirator.

9 Q. What's your understanding of what can happen if  
10 that occurs?

11 A. Well...

12 MS. WEINER:

13 I'll object to the form.

14 You can go ahead and answer.

15 THE WITNESS:

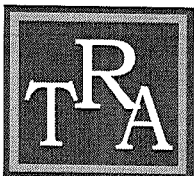
16 If something like that happen to you,  
17 you try to get out, get away from it so the DuPont  
18 people can take care of you.

19 BY MS. BARNEY:

20 Q. All right. Did the training talk about the  
21 different types of gas -- I'm sorry. Let me start over.

22 Did the training or the film talk about different  
23 types of gas that could be encountered at the acid  
24 plant?

25 A. Yes.



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1 Q. Do you recall what different types of gas it  
2 talked about?

3 A. No. You've got Oleum and you've got your SO2 and  
4 then you've got your spent fumes.

5 Q. Okay. Did the training mention SO3?

6 A. Huh?

7 Q. Did the training mention SO3 gas?

8 A. SO2.

9 Q. Just SO2?

10 A. Uh-huh.

11 Q. They didn't talk about SO3?

12 A. They might have. I don't remember.

13 Q. Okay. Earlier when you were talking about  
14 training on severe acid, what is considered severe acid?

15 A. I'm just saying all of the acid in the plant that  
16 they make.

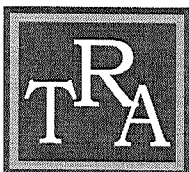
17 Q. Okay. Were you ever trained on how to report  
18 things to the government agencies that regulate  
19 environmental issues, like were you ever trained on how  
20 to contact DEQ, for example?

21 A. I mean, yes.

22 Q. What was your training on that?

23 A. I mean, they've got like a paper on the wall if  
24 you want to call the number.

25 Q. Okay.



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1 A. That's all they put.

2 Q. So there's a paper on the wall that gives you the  
3 phone number for the Department of Environmental  
4 Quality?

5 A. Yeah.

6 Q. Okay. So are the instructions at KBR to the  
7 employees that you're supposed to just call that number  
8 when you think there's a problem and you don't talk to  
9 your supervisor, or are you supposed to talk to your  
10 supervisor first?

11 A. I mean, if you don't like what's going on, I  
12 guess call that number on your own.

13 Q. Okay. When you had your training, did anybody  
14 talk about quantities of gas in terms of what's harmful,  
15 what needs to be reported to the DEQ or anything like  
16 that?

17 A. Well, that wasn't our job to do that.

18 Q. To do --

19 A. Just -- I'm just a contractor.

20 Q. So it's not your job to do what?

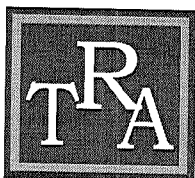
21 A. To contact DEQ or whatever.

22 Q. Okay. .

23 A. That's DuPont's side.

24 Q. So the paper on the wall had to do with KBR --

25 A. Yes.



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1 Q. -- and their work?

2 A. Yes.

3 Q. Or their stuff?

4 A. Yeah, whatever.

5 Q. Did you see a paper on the wall like that at the  
6 DuPont plant on the DuPont side, you know, in connection  
7 with your work at DuPont?

8 A. I mean, we don't go in the control room. We  
9 leave that to the foreman and the supervisor. It's not  
10 your --

11 Q. So where is this paper on the wall with the --

12 A. That's back in our lunchroom.

13 Q. Okay. In the KBR room?

14 A. Yeah.

15 Q. Okay. So you were never trained on how to  
16 measure quantities of gas leak?

17 A. No. That's not my job.

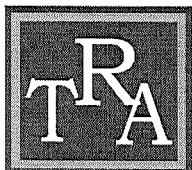
18 Q. Okay. Do you know whose job, if anybody's, that  
19 is at DuPont?

20 A. No, ma'am.

21 Q. All right. Since you've been out at DuPont acid  
22 plant, has your job changed over time, the actual things  
23 you do every day?

24 A. Probably so, yes.

25 Q. Okay. And so tell me a little bit about what



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1 your job is at DuPont.

2 A. Well, my foreman gets the permit from the  
3 supervisor and then the foreman tell us in the morning  
4 and they give us the permit and tell us what we got to  
5 do and it all depends on if we got to do a lock-out job  
6 or whatever.

7 Q. Okay. What types of jobs, if you know, does  
8 DuPont and KBR do as opposed to DuPont having its own  
9 employees do?

10 A. I don't know that.

11 Q. Do y'all do a lot of the maintenance for DuPont,  
12 would you say?

13 A. Yes. We're like under maintenance. DuPont's got  
14 their maintenance, too.

15 Q. Okay. Do you know who Mark Macha reports to at  
16 DuPont?

17 A. He's goes up front to the meeting.

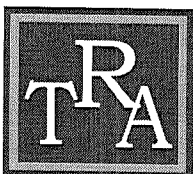
18 Q. Okay. Which meetings are those?

19 A. I mean, that's -- they get together up there  
20 every morning and they have a meeting up there at  
21 DuPont.

22 Q. So like the morning meetings, they call them?

23 A. Right. They have like morning meetings and he'd  
24 come back to us and then we'd have another meeting.

25 Q. So KBR has morning meeting at KBR after Mark



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1 Macha attends the morning meeting at DuPont?

2 A. Yes, ma'am.

3 Q. Okay. Was there a time where you recall black  
4 hoses being installed in the process area at DuPont?

5 A. Yes.

6 Q. Okay. When was the first time the hoses were  
7 installed, how long ago, would you say?

8 A. I can't remember that date.

9 Q. Okay. So some black hoses were put in a long  
10 time ago, like more than five years ago?

11 MS. WEINER:

12 Object to the form.

13 You can go ahead and answer.

14 THE WITNESS:

15 No, I don't believe.

16 BY MS. BARNEY:

17 Q. Not that far back?

18 A. No.

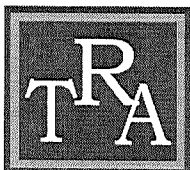
19 Q. Have you been involved in installing any of the  
20 black hoses?

21 A. Yes.

22 Q. All right. Would you say they've been there for  
23 the last two years or so?

24 A. No. I mean -- no, not that long.

25 Q. Maybe like 18 months, a year and a half?



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1 A. No. If they go that long, you got to change  
2 them. They get rotted.

3 Q. So I need to clarify my question.

4 The same black hoses haven't been there for  
5 years; right?

6 A. No.

7 Q. But there have been black hoses out at DuPont for  
8 two years or so? Different black hoses, but they've had  
9 black hoses out there for two years?

10 A. Yeah, probably two years.

11 Q. Okay. Ever since they put the black hose out  
12 there, has part of your job at KBR been to work around  
13 or tend to those hoses from time to time?

14 A. Yes.

15 Q. Okay. Over the last couple of years, have you  
16 had to work with the hoses more often as time goes by?  
17 Are you doing more work with the hoses than you were,  
18 say, two years ago?

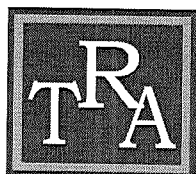
19 A. No.

20 Q. Okay. When Mark Macha comes and has these  
21 meetings in the morning, what happens at those meetings?

22 A. What happens at the meetings?

23 Q. Yes.

24 A. He'd tell us what -- if we got a hot job to do or  
25 something changed, and other than that, then the safety



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1 man will come up and read about if somebody got hurt on  
2 the job or something like that.

3 Q. Okay. Who's the safety guy?

4 A. It's -- I think now it's Ian Devlin.

5 Q. Ian Devlin?

6 A. Uh-huh.

7 Q. Who it was before Mr. Devlin?

8 A. It's been so long. I can't remember.

9 Q. So Ian Devlin has been the safety guy at KBR for  
10 DuPont for several years at least?

11 A. Yes.

12 Q. Okay. Is it at these morning meetings where you  
13 fill out forms and things like that to do with your  
14 work?

15 A. No, we don't fill out a form. They give us the  
16 permit and we have a JSA to fill out, the group.

17 Q. Okay.

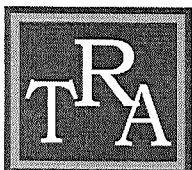
18 A. We have to put on there what the hazards or  
19 whatever, what we're getting into.

20 Q. Okay. I'm going to show you a document that is  
21 Bates labeled KBR 00005 through 7, which we'll mark as  
22 Exhibit 1 to the deposition.

23 MS. BARNEY:

24 And, off the record.

25 (A conversation was held off the record.)



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1 (Whereupon a document is marked for  
2 identification as Exhibit Number 1.)

3 BY MS. BARNEY:

4 Q. Let me show you a document, Mr. Cayette, and the  
5 date on the front is 7/22/12 and the Job Task, just for  
6 the record, "Repair gas leak, hoses on converter." And  
7 I think there's three pages there.

8 Does that look like a form that you've seen in  
9 connection with your work at KBR?

10 A. Yes, ma'am.

11 Q. Okay. And on the third page, did you sign that  
12 form? I'm sorry. On the second page.

13 A. Yes, ma'am.

14 Q. Okay. So that's your signature where it says  
15 "Robert Cayette"?

16 A. Yes.

17 Q. Okay. This is the type of form that you get when  
18 you're told to go work out on the leaks at DuPont?

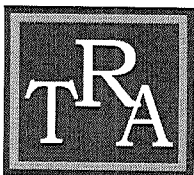
19 A. Yes. You get a form like this on every job, just  
20 like this.

21 Q. All right. Okay. So no mater what the job is,  
22 whether it's gas leaks or something else --

23 A. Oh, a pipe busts or change a valve or whatever.

24 Q. Okay.

25 A. Yes.



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1 Q. All right. Do you know how long KBR has been  
2 using this form, this type of form, this Job Analysis,  
3 Job Safety Analysis form?

4 A. I guess. I don't know if it's ten years. I  
5 don't remember.

6 Q. Okay. If you look at Exhibit 1 on the second  
7 page, that's where it talks about the different -- well,  
8 let me strike that.

9 It starts talking about the different safety  
10 concerns on Page 1; is that right? It tells you what  
11 you're supposed to wear and that sort of thing on the  
12 right side of Page 1?

13 A. Uh-huh.

14 Q. On this form, it doesn't have anything checked  
15 off for respirator or cartridge; is that right?

16 A. Yeah, I guess.

17 Q. Okay.

18 MS. WEINER:

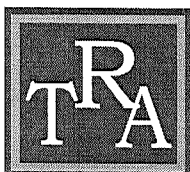
19 Can we take a break and just go off the  
20 record just a second?

21 MS. BARNEY:

22 Q. Mr. Cayette, this form is obviously not something  
23 you prepare; right?

24 A. No, ma'am.

25 Q. Okay. This form is sort of handed to you to



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1 sign?

2 A. Yeah. The other guy, the fitter, fills it out.

3 Q. Okay. When you sign the form, are you able to  
4 read all of the terms that are on the form before you  
5 sign it?

6 A. No, ma'am.

7 Q. No?

8 A. No.

9 Q. Okay. Does anybody read it to you before you  
10 sign it?

11 A. No, ma'am.

12 Q. Okay. And it's your testimony that some of these  
13 words on the form are difficult for you to understand or  
14 read; is that right?

15 A. Yes, ma'am.

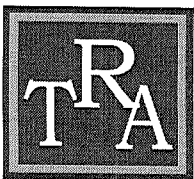
16 Q. Okay. Do you recall a time when you've been  
17 working the gas leaks at DuPont over the last couple of  
18 years when they started telling you to wear a respirator  
19 of some kind when you were doing that work?

20 A. I can't remember the year, but, I mean, they tell  
21 you if you need to wear it, you wear it.

22 Q. Okay.

23 A. If it's just to change a hose, sometimes you  
24 don't have to wear it.

25 Q. All right. So whenever you go to work on the gas



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1 leaks, you don't always wear a respirator; right?

2 A. No, you don't have to.

3 Q. Okay. When is the last time you went to work on  
4 a gas leak at DuPont?

5 A. It would be this morning, but I didn't go because  
6 I had to come here.

7 Q. Okay. How do you know you would have done that  
8 this morning?

9 A. Because they called my name and three other guys.

10 Q. To go work on the gas leak?

11 A. Yes.

12 Q. Do they make those assignments every morning;  
13 they say, "Okay, I want y'all to go do this"?

14 A. No, ma'am.

15 Q. What do you mean by call your name?

16 A. The foreman would say -- he would have it written  
17 down in the book.

18 Q. Okay. So you saw that this morning?

19 A. No. He read it.

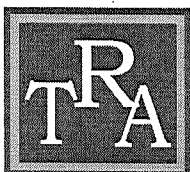
20 Q. So he read it this morning?

21 A. Yes, ma'am.

22 Q. -- for you to go work on the gas leaks?

23 A. Yes, ma'am.

24 Q. But you said, "I can't because I have to go do  
25 this deposition"?



1 A. Yes, ma'am.

2 Q. Before this morning, when is the last time you  
3 worked on gas leaks?

4 A. Thursday, last week.

5 Q. All right. And at DuPont, what days of the week  
6 do you work? What days of the week do you work at KBR  
7 doing work at DuPont?

8 A. Monday through Friday -- I mean Monday through  
9 Thursday, four tens.

10 Q. Ten hours a day?

11 A. Yes, ma'am.

12 Q. Do you know exactly what you were going to be  
13 asked to do this morning on the gas leaks?

14 A. Just check the hose, I guess.

15 Q. Okay. Is your assignment regarding the gas leaks  
16 the same every day?

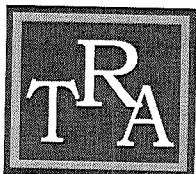
17 A. No, ma'am.

18 Q. How does it change? Give me examples on the  
19 different things you're told to do for gas leaks.

20 A. We go every other day, you know, unless it pop  
21 up, then we have to go, or it change.

22 Q. So you're supposed to go check them every other  
23 day?

24 A. No. It might be every day if something pops up,  
25 but, I mean, no, we don't do it every day.



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1 Q. So somebody tells you to go check them?

2 A. Yeah.

3 Q. All right. Do you know what happens that makes  
4 one of your supervisors tell you to go check them?

5 A. I guess the supervisor tells the foreman, and the  
6 foreman comes tells the men.

7 Q. Okay. What did you do Thursday; do you recall,  
8 when you went to work on the gas leaks?

9 A. We just checked the hoses, make sure they were  
10 working, make sure they don't have a leak where nobody  
11 get burned or something.

12 Q. All right. So there are leaks coming out of the  
13 equipment; right, like out of the converter or the HIP  
14 and the CIP?

15 A. Yes, ma'am.

16 Q. So you're trying to check on the hoses to see how  
17 they're doing and catching the leak?

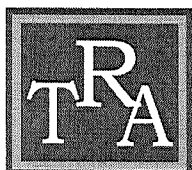
18 A. Yes, ma'am.

19 Q. One way that DuPont or KBR notices if there's a  
20 leak coming out of the hoses is that they can see it;  
21 right?

22 A. Yes. If it gets bad enough, yes.

23 Q. Okay. So how are you supposed to tell if visible  
24 gas is coming out of those hoses?

25 A. If the hose got a hole in it, but they got



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1 cameras watching it.

2 Q. Okay. So it's your understanding that DuPont has  
3 a camera aimed at all of the leaks?

4 A. Yes, ma'am.

5 Q. And do you ever look at the leaks through the  
6 DuPont cameras?

7 A. No. We don't go in the control room.

8 Q. Okay. So if somebody in the control room could  
9 see visible gas and call over to KBR and say, "Come" --

10 A. I guess call the supervisor, and the supervisor  
11 would call the foreman.

12 Q. Okay. Have you seen visible gas like at DuPont  
13 during your employment there?

14 A. I've seen a little bit, I mean, like if the hose  
15 go bad or something.

16 Q. And the hoses go bad pretty often; right?

17 A. Well, not too often, unless it's a bad, bad leak.

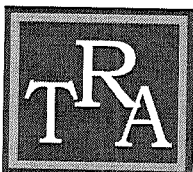
18 Q. So the Job Safety Analysis forms would say when  
19 there was a repair to the hoses because they were --  
20 what was your word -- not working or...

21 A. Or if the hose go bad. I don't know.

22 Q. All right.

23 A. Or the leak get worser or whatever. I don't  
24 know.

25 Q. So if the hose needs repairing, that would be



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1 written on these Job Analysis forms, as far as you know?

2 MS. WEINER:

3 Objection to form.

4 THE WITNESS:

5 Yes.

6 MS. BARNEY:

7 Okay.

8 THE WITNESS:

9 Or they would have to shut the plant  
10 down and fix it.

11 BY MS. BARNEY:

12 Q. As long as you've been there in the last couple  
13 years working on the leaks, have they taken a cold shut  
14 down at the plant?

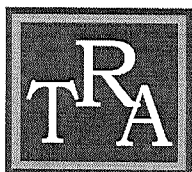
15 A. Yes.

16 Q. So they've done a complete shut down for a week  
17 or so?

18 A. No, not a whole week. It might go down for a day  
19 and then they crank it back up.

20 Q. All right. But they've never been able to fix  
21 the holes in the equipment itself; right, there's still  
22 holes in that equipment that's leaking?

23 A. I mean, sometimes they go down there and fix it,  
24 the welders go down and weld it, but the weld sometimes  
25 crack because the metal got to expand up to a certain



1 temperature.

2 Q. Do you help the welder when he works on the  
3 equipment?

4 A. All I do is run the lead.

5 Q. What does that mean?

6 A. Welder lead, for the welder.

7 Q. What do you actually have to do when you do that?

8 A. Well, they have to take the insulation off to get  
9 the metal out, find the leak, and the welder, once he  
10 sees the leak, he got to weld it or if he got to put a  
11 plate. And once he get to welding, make sure he's got  
12 water, air, and then he's on his own.

13 Q. When you're saying make sure he has water and  
14 air, what does that mean?

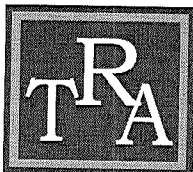
15 A. Well, sometimes you've got a wear a respirator,  
16 he have a backpack they put on their back and they'll  
17 weld with that. Once they get it sealed, then they can  
18 take that off, and they can use their regular hood and  
19 we take a blower, like blow air on them.

20 Q. So you blow air on the welder while he's working?

21 A. Yes.

22 Q. Is that to try to keep the gas out of his face or  
23 what?

24 A. No, keep him cool because sometimes it would be  
25 hot.



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1 Q. What about before he gets the gas leaks sealed,  
2 does anybody blow the blower to keep the gas out of his  
3 face?

4 A. No, he has a respirator.

5 Q. What about you when you're nearby, are you --

6 A. I'm out the way.

7 Q. You're out of the way?

8 A. Yes.

9 Q. Okay. So who goes to the piece of equipment when  
10 the gas is coming -- when you can see the gas coming  
11 out, who goes up to that piece of equipment?

12 A. Whether it be -- it would be the pipefitter  
13 helpers that would go up there and strip it.

14 Q. That would be you; right?

15 A. Me and the rest of the crew.

16 Q. And at that point, do you have on a respirator?

17 A. Yes, ma'am.

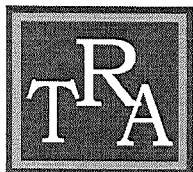
18 Q. When did you start wearing a respirator to the do  
19 that work?

20 A. Well, something like that, it's been a while.

21 Q. But you've gone up and done that work without  
22 wearing a respirator; right?

23 A. Yes. Not to fix a leak. To change a hose, you  
24 can do it if the wind's blowing a different way.

25 Q. So if the wind is blowing a certain way, you can



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1 see the gas mist getting out of the way because of the  
2 wind?

3 A. Uh-huh.

4 Q. Okay. You have to answer out loud.

5 A. Yes, ma'am.

6 Q. When you and the welder go up to the equipment to  
7 do work, is the area barricaded off around the location  
8 where you're working?

9 A. Yes.

10 Q. When did that start?

11 A. That starts every time you got to do a job you  
12 barricade your area.

13 Q. For the last years and before that?

14 A. Yeah, way before that. Any job you go on, you've  
15 got to barricade your area.

16 Q. And that's in case of drop a wrench or things  
17 like that --

18 A. Yes.

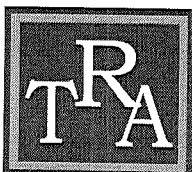
19 Q. -- right?

20 A. Right.

21 Q. Some of the work y'all are doing is up high;  
22 right, on this equipment, you have to climb a ladder?

23 A. Yes.

24 Q. Is the area where these gas leaks are happening  
25 barricaded off because of the gas leaks? Like are they



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1 always barricaded off?

2 A. No, not all of them.

3 Q. Okay. Are there any areas that have been  
4 barricaded because of the gas leaks, not because  
5 somebody's working on them, but just because of the  
6 leaks?

7 A. Just because of the leak, we try to keep certain  
8 people out of there that don't belong to go in there.

9 Q. Which areas have been barricaded off because of  
10 the gas leaks?

11 A. Well, you've got the converter and the HIP and  
12 the CIP.

13 Q. Do you know how long barricades have been around  
14 those three pieces of equipment because of the gas  
15 leaks?

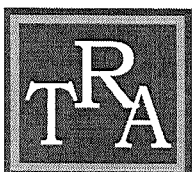
16 A. Oh, I don't know.

17 Q. Would you say they started using the barricades  
18 in the last six months or so?

19 A. Well, we used to put regular barricades, but now  
20 we've got hard a barricade.

21 Q. What's the difference between regular and hard  
22 barricades?

23 A. Well, the hard barricades is built out of  
24 scaffold material and you put a gate and you put a tag  
25 on that to let the other people know don't go through



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1 that, you have to get permission from the foreman.

2 Q. Okay.

3 A. The other barricade, the yellow barricade and the  
4 red barricade is like a (indicating).

5 Q. Tape?

6 A. Yes.

7 Q. Okay. Can the air flow through the hard  
8 barricade?

9 A. Yes.

10 Q. It's like a hurricane fence kind of thing?

11 A. No, just a scaffold material.

12 Q. How high is it?

13 A. Like about four foot high.

14 Q. Who is allowed to go through the hard barricade?

15 A. It would be the foreman and, I guess -- we the  
16 workers, so we know the area, so...

17 Q. Okay. Anybody else that you know of allowed to  
18 go through the hard barricade?

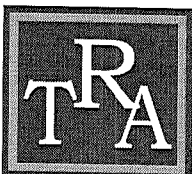
19 A. Unless the safety man goes to check the tag or  
20 whatever.

21 Q. When you say foreman, you mean Lonnie Blanchard?

22 A. Yes, ma'am.

23 Q. Are DuPont employees themselves allowed to go  
24 through the hard barricade?

25 A. If they have to -- well, one of them have to go



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1 through there because they have to drain a valve, so he  
2 knows what he has to wear as a DuPont guy.

3 Q. Okay. And who is that?

4 A. That was Percy Bell.

5 Q. Okay. Are there some drums out there that are  
6 collecting acid that drips from those hoses or acid that  
7 collects in the hoses?

8 A. Yes.

9 Q. Okay. Do you have to do any work in connection  
10 with those drums?

11 A. We have to make sure the funnel is going into the  
12 drum, the acid.

13 Q. So there's a funnel attached to the black hose,  
14 and the acid that collects in the bottom of the black  
15 hose is supposed to go in that funnel?

16 A. Yes.

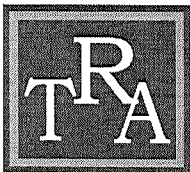
17 Q. And sometimes it's messed up and it's not going  
18 cleanly into the funnel and it drips?

19 A. You have to go check it, yes. Sometimes the acid  
20 eats the funnel, so you have to go change the fitting on  
21 it.

22 Q. All right. When the acid eats the funnel or the  
23 hose, does it fall somewhere other than in the drum?

24 A. No.

25 Q. Or does just go up in the air?



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1 A. No. The acid will turn into liquid, and the  
2 liquid will go in the funnel.

3 Q. So it's your job to make sure to fix these  
4 problems so that the acid will go into the drum?

5 A. Yeah.

6 Q. Do you have to haul away the drums when they get  
7 too full?

8 A. Yes.

9 Q. And how do you do that?

10 A. Well, we put on a acid suit and rubber boots and  
11 stuff and then we will roll it out, put it on the  
12 forklift and then we put another drum there to catch it  
13 while we're changing it out and we go dump it at the  
14 wash pad, then we'll bring it back and put it back in  
15 place.

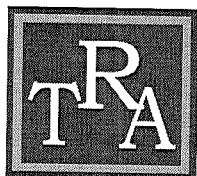
16 Q. Okay. How far away is the wash pad from where  
17 the drum is collecting the acid?

18 A. I guess about 25 feet.

19 Q. Okay. Where does the wash pad liquid go; do you  
20 know?

21 A. Just goes back into a tank.

22 Q. Okay. When you're up there -- well, I say up  
23 there, there's some of the leaks that you don't have to  
24 climb to work on; is that right? Like maybe the  
25 superheater, is it down low?



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1 A. All depends on if you have pipe bust or  
2 something. We don't have to work -- we don't have to  
3 work on a leak every day.

4 Q. Okay. When you work on the -- can you tell me  
5 which pieces of equipment that have leaks require you to  
6 climb up high and which ones are on the ground?

7 A. Well, I mean, you've got your converter and your  
8 HIP and the CIP, you've got to climb on that.

9 Q. Okay. Are those the only ones that you have to  
10 climb to fix gas leaks on?

11 A. Yes.

12 Q. Is it hard, hot work to work around these gas  
13 leaks?

14 A. Is it hard? Well, some of them is hot, but the  
15 plant is running, you know, but, I mean, you've got air  
16 conditioning blowing on you at certain parts.

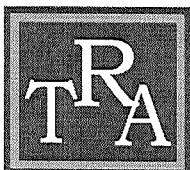
17 Q. Okay. In the summertime, you have the normal  
18 heat, you know, 90-something degrees, and then you have  
19 the heat from the vessels?

20 A. Yes.

21 Q. And then you have all of this -- or sometimes you  
22 have all of this protection stuff on?

23 A. Yes.

24 Q. When y'all are up there working, do you have to  
25 take masks off from time-to-time to wipe the sweat off



1 your face and stuff like that?

2 A. Well, you have to back up, you know, and they got  
3 a little rest area. The scaffold people built another  
4 where you can walk out the way and take it off if the  
5 wind ain't blowing that way. If it gets bad enough, if  
6 you've got to go down, then you go down.

7 Q. Okay. And the way you can tell it's getting bad  
8 enough is because you can see the mist and you're trying  
9 to get out of it; is that right?

10 A. I mean, you get hot. Your body -- everybody's  
11 body is different, so...

12 Q. In terms of the wind blowing -- I'm trying to  
13 understand. If the wind is blowing a certain, you can  
14 tell it's blowing the mist a different way from where  
15 you are?

16 A. Yes.

17 Q. And you can tell the difference between a gas  
18 mist and steam; right?

19 A. Yes.

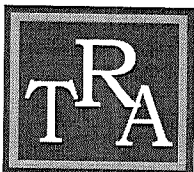
20 Q. So what we're talking about is a gas mist?

21 A. Uh-huh.

22 Q. And that was yes; right?

23 A. Yes.

24 Q. Do you ever have to go out and do work on the gas  
25 leaks at night?



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1 A. Yeah. If they call you, yes.

2 Q. Okay. How many times in the last two years would  
3 you say you've been called out there to work on a gas  
4 leak at night?

5 A. Once or twice.

6 Q. Okay. Do you recall about when that was?

7 A. No, ma'am.

8 Q. Has it happened in the last six months?

9 A. Not that I know of, no.

10 Q. Okay. Have you heard from your supervisor and  
11 people at KBR that they're not real anxious to have  
12 people work overtime, like they try to avoid overtime  
13 work, try to get it done during the day; is that your  
14 understanding?

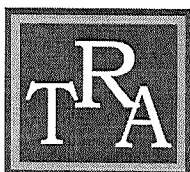
15 A. I mean, if we can try to get it done, we get it  
16 done. If you have to work over, you work over.

17 Q. Okay. Do you have to get approval in advance to  
18 work overtime?

19 A. I don't know. That's the supervisor.

20 Q. So if he tells you to do it, you do it, and if  
21 there needs to be permission for overtime, he gets that?

22 A. They'll come back and tell us -- you know,  
23 they'll look at the job and so how far it is and then  
24 they'll get approval and then they'll come back and ask  
25 you if you want to stay over or come back and ask you.



1 Q. The one or two times that you worked at night,  
2 who called you to come out?

3 A. That would be either Mark Macha or Lonnie  
4 Blanchard.

5 Q. So those are the only two people that direct your  
6 work at DuPont?

7 A. Yes, ma'am.

8 Q. You never get any calls directly from Liz  
9 Cromwell or Tom Miller?

10 A. No. I have to go through my supervisor.

11 Q. Or Gene Clemens, he doesn't call you?

12 A. No, ma'am.

13 Q. The once or twice that you went out at night, do  
14 you recall who else was out there?

15 A. Well, they've got so many guys done left, and  
16 you've got new guys. No, I can't remember.

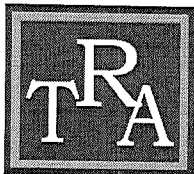
17 Q. Okay. When you say people that left and new  
18 guys, are you talking about like DuPont operators, or  
19 are you talking about KBR people?

20 A. No. KBR people.

21 Q. Okay. When you went out to work at night, do you  
22 recall which equipment you were called out to work on  
23 that once or twice?

24 A. Might have been the converter.

25 Q. Any other equipment that you can recall working



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1 on at night?

2 A. No, ma'am.

3 Q. Can you see the gas mist -- let me start over.

4 Can you see any gas mist that's leaking, can you  
5 see it better at night than you can during the day; do  
6 you know?

7 A. If you know it, yes.

8 Q. I'm sorry.

9 A. If you know it. I mean, if you've been around it  
10 a long time, yeah, you know.

11 Q. So it's easier to see it at night than it is  
12 during the day if you know what you're looking at?

13 A. Yes.

14 Q. Do you know of anybody out at the DuPont plant  
15 who you think doesn't know gas mist when they see it?

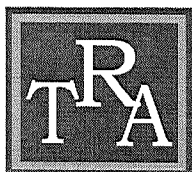
16 A. No, I don't know.

17 Q. Is there any kind of signs anywhere that say,  
18 "This is what a gas mist, you know, is like. If you see  
19 it, come tell us," or something like that?

20 A. No. There's no signs.

21 Q. Okay. What about like truck drivers or people  
22 that just happen to come to the plant; do you know  
23 whether or not they're told what a gas mist looks like  
24 and what is it is and what it can do to you?

25 A. Probably so. I mean, like the truck drivers,



1 yes.

2 Q. Okay. You think somebody tells them?

3 A. I think so, yes. They'll get orientated, or  
4 whatever you call it.

5 Q. They'll have an orientation?

6 A. Yeah, like the truck drivers that haul the acid.

7 Q. Who would do that orientation?

8 A. I think it's Ian Devlin and, I think, Todd  
9 Gibney.

10 Q. Do they take the truck drivers out to the process  
11 area and show them those leaks?

12 A. I don't know.

13 Q. You've never seen anybody taken out to the  
14 process area that doesn't work at DuPont or KBR?

15 A. Not that know of out there.

16 Q. Okay. Have you ever seen any DEQ people out at  
17 the process area looking at the leaks?

18 A. I couldn't tell you. I don't know.

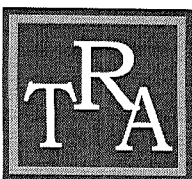
19 Q. You've never seen it?

20 A. I mean, no, I never met anybody. I can't tell  
21 you no.

22 Q. Has anybody else ever told you that DEQ went out  
23 to the process area to look at leaks?

24 A. No.

25 Q. When you're working around the gas leaks, do you



1 wear any kind of monitor that will tell you, you know,  
2 how bad the gas is that's around you?

3 A. No. We don't have a monitor for that, no.

4 Q. You mentioned Percy Bell would be one of the  
5 people that could go inside a hard barricade.

6 A. Yes. He's like a operator.

7 Q. Is it your impression that he knows what he's  
8 doing or knows how the process works?

9 A. Yes.

10 Q. Do you have any understanding of things that make  
11 the gas leaks worse? Like rain, for example, does that  
12 make the gas leaks worse?

13 A. If the rain falls on a crack or if the water gets  
14 on it, yes, it will get worse. As long as the metal  
15 there that keeps the water off, it would be okay.

16 Q. Okay. If Percy Bell testified that there are  
17 leaks coming out the CIP, the HIP, the converter, the  
18 superheater, the ductwork and the clems (sic), would you  
19 disagree with that?

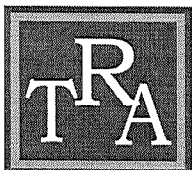
20 A. No. He's been there a while, so...

21 Q. Who else at KBR works on the leaks a DuPont?

22 A. Right now, he's got Jeff Simoneaux, you've got  
23 Blane Bourgeois and Rick Clement.

24 Q. Are these DuPont employees or KBR employees?

25 A. That's KBR.



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1 Q. Okay. Can you think of any others?

2 A. That's just people that's there right now.

3 Q. Today?

4 A. Yes, ma'am.

5 Q. You mentioned Jeff Simoneaux, and I think you  
6 might have been confused.

7 A. I mean Jeff Guitreau.

8 Q. Okay. So that's who's out here working on gas  
9 leaks today?

10 A. Yes, ma'am.

11 Q. Who else that's still employed with KBR work on  
12 the gas leaks from time-to-time?

13 A. We the only ones that really work on it.

14 Q. Just you and these three people?

15 A. Yes, ma'am.

16 Q. And then Lonnie Blanchard as the foreman?

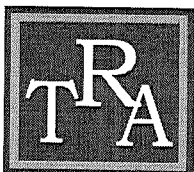
17 A. Yes, ma'am.

18 Q. And Mark Macha, is he out at the gas leaks from  
19 time-to-time?

20 A. I mean, he's out there sometimes.

21 Q. About how often does he personally go out to the  
22 process area?

23 A. I guess he passes through there every morning,  
24 you know, walking from the back to go to the control  
25 room to the meeting.



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1 Q. Okay. Are Jeff Guitreau, Blane Bourgeois and Ray  
2 Clement all pipefitter helpers, or do they have  
3 different jobs?

4 A. Two of them is a welder, and one of them is a  
5 pipefitter helper.

6 Q. Which one is the pipefitter helper?

7 A. Blane Bourgeois.

8 Q. Do any of the people, including you, work more on  
9 the gas leaks than others, or is it sort of evenly  
10 assigned?

11 A. Well, like now, it all depends on how bad it is.  
12 If it's not bad, it's two of us will go today and two  
13 will go tomorrow, the day after.

14 Q. Okay. So depending on how bad the leaks are,  
15 they might send two you or they might send four.

16 A. Four, yes.

17 Q. Last Thursday, for example, how many were  
18 working?

19 A. There was two of us.

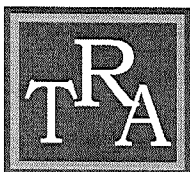
20 Q. This morning there's three?

21 A. There's two.

22 Q. When is the last time you'd say you had four  
23 working out there on the leaks?

24 A. It was Thursday, last Thursday.

25 Q. Okay. The Thursday before?



1 A. Yes. We tried to do that because of weekends,  
2 the four ten weekends, we'd be off, so we try to -- all  
3 of us will go that Thursday to make sure everything's  
4 okay for the weekend so they won't get called out.

5 Q. What do you do on those Thursdays when four  
6 people go out there? What work do you do?

7 A. We take the hose and make sure they don't have a  
8 hole in it and make sure everything is okay, everything  
9 is secure for the weekend.

10 Q. Do you have to replace sections of the hose?

11 A. Not all of the time.

12 Q. Okay. Do you ever have to replace the hoses?

13 A. Yes.

14 Q. How do you do that? Do you do it in -- do you  
15 replace the whole hose, sections or --

16 A. Just sections.

17 Q. Okay. Is there anyway to patch holes in the  
18 hose, or do you have to replace it?

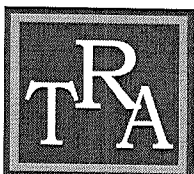
19 A. You replace the hose. You don't patch it.

20 Q. Okay. So you go out there, you check the hoses,  
21 if there's holes in it, you replace them?

22 A. Yes.

23 Q. What else do you do?

24 A. Jus check to make sure it don't have no smoke  
25 going no where.



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1 Q. What about the funnels; do you have to do  
2 anything with the funnels?

3 A. No. If it's okay, we don't have to mess with it.

4 Q. What about nozzles? Are there any nozzles that  
5 are going to the hoses?

6 A. No.

7 Q. What about metal boxes; do you have to do any  
8 work on metal boxes?

9 A. No. If they good, we don't mess with them.

10 Q. Do you have to check them?

11 A. I mean, you going to check the hose, but the hose  
12 is tied to the box. If it has a little hole in the box,  
13 we just put a piece of metal over it and caulk it to  
14 make sure the hose is catching.

15 Q. Okay. How can you tell if the hose or the metal  
16 box has a hole in it?

17 A. Well, when you go up there to check it, you'll  
18 see.

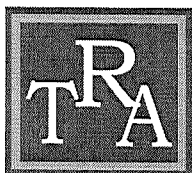
19 Q. You'll see the little mist coming out of the  
20 hose?

21 A. No, not all of the time.

22 Q. How can you tell if there's a hole in the hose?

23 A. In the box?

24 Q. How can you tell if there's a hole in the hose or  
25 the box?



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1 A. Well, in the box, you'll see it.

2 Q. What will you see?

3 A. You'll see a hole.

4 Q. Okay. And will anything be coming out of the  
5 hole?

6 A. No, because the hose is still in the box.  
7 There's suction. It's got a vacuum.

8 Q. All right. So if there's a hole in the hose,  
9 what do you see?

10 A. It might have a drip or the hose might crack.

11 Q. Okay. If you see a gas mist, where, in your  
12 experience, has that been coming from?

13 A. It's just, if you see one, it's coming from a  
14 leak.

15 Q. Okay.

16 A. To let you know something's wrong, either your  
17 box or your hose or your hole or crack got worser.

18 Q. Okay.

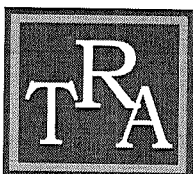
19 A. You've got to shut the plant down and fix it.

20 Q. Okay. How many times do you recall them shutting  
21 the plant down, even for a little while, in the last two  
22 years?

23 A. Maybe 10 times, I guess.

24 Q. Who makes that decision; do you know?

25 A. DuPont people.



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1 Q. Has anybody ever told you that exposure to SO3  
2 gas can cause cancer?

3 A. I think any gas causes cancer, so...  
4 I'm a cancer patient.

5 Q. I'm sorry to hear that.  
6 Tell me about that.

7 A. What?

8 Q. You've been diagnosed with cancer?

9 A. I had colon cancer.

10 Q. When were you diagnosed?

11 A. Last year.

12 Q. Do you know what month, about?

13 A. I don't know.

14 Q. Fall? Spring?

15 A. Early part. I think it's the early part.

16 Q. So the early part of 2012, or the early part of  
17 2013?

18 A. No. It was back, I think, early '12.

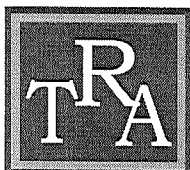
19 Q. So you have an understanding that gas can cause  
20 cancer, but nobody has ever really told you that in  
21 connection with your work at DuPont?

22 MS. WEINER:

23 Objection to form.

24 THE WITNESS:

25 Not that I know of.



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1 BY MS. BARNEY:

2 Q. Do you know if anybody else, Lonnie Blanchard or  
3 Jeff Guitreau or Rick Clement or Blane Bourgeois have  
4 been diagnosed with cancer?

5 A. No, not that I know of.

6 Q. Do you recall a time where the fire department  
7 came out to DuPont because a passerby --

8 A. No.

9 Q. You don't hear about anything like that?

10 A. (No response).

11 Q. When y'all are getting ready to go do work on the  
12 gas leaks in these meetings in the morning, does anybody  
13 look at the camera that is aimed at the leaks before you  
14 go out there, like loo at it maybe for the night before?

15 MS. WEINER:

16 Objection. Foundation.

17 THE WITNESS:

18 I don't know. Not us.

19 BY MS. BARNEY:

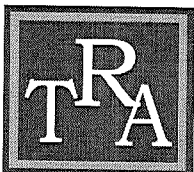
20 Q. You don't?

21 A. No. That's all DuPont people.

22 Q. Or maybe Mark Macha if he's at the morning  
23 meeting?

24 A. I don't know.

25 Q. But nobody's ever shown you a camera recording on



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1 the leaks; is that right?

2 A. No.

3 Q. The only way you know to figure out what's  
4 leaking is to walk up to the equipment; is that right?

5 A. Yeah. So you see it, yeah.

6 Q. And there's no warning system on the hoses that  
7 if they start to leak, some alarm goes off or some light  
8 flashes or anything like that?

9 A. No. No.

10 Q. If you go up to the equipment and you find a  
11 leak, is there any procedure that you've been told to do  
12 to alert employees of DuPont that there's a leak and  
13 they need do something different from what they're  
14 doing?

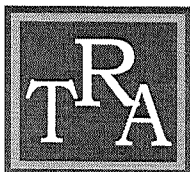
15 A. I mean, if the leak is bad enough where we can't  
16 fix it, then we tell our foreman and he's got to go to  
17 the supervisor.

18 Q. When you say fix it, you mean the hose and the  
19 metal box?

20 A. If it's got to be changed. If it's bad, bad,  
21 yes.

22 Q. Okay. Because y'all have never been able to fix  
23 all of the leaks and the equipment itself at DuPont;  
24 right?

25 A. No.



1 Q. Knowing what you know about the way DuPont and  
2 KBR operate, would you feel comfortable calling DEQ and  
3 asking them come out and look at the leaks?

4 A. No. No. I wouldn't do that.

5 Q. Do you know if there's been any OSHA people out  
6 in the process area around these leaks?

7 A. Not that I know of.

8 Q. Okay. Do you know of anybody who has had to go  
9 to the doctor because of the gas leaks?

10 A. No.

11 Q. When you're working on the leaks, have you ever  
12 smelled gas? In addition to maybe seeing gas, is there  
13 a smell that you've encountered?

14 A. Yeah, it smells.

15 Q. What does it smell like?

16 A. A bad odor.

17 Q. Okay. Has anybody ever told you which gas gives  
18 off that odor?

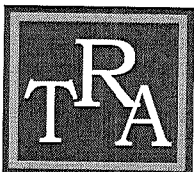
19 A. No. I just know when I smell something to try to  
20 find out what's wrong, where it's coming from.

21 Q. But nobody's ever said, "Okay, when you smell  
22 this smell, that means it's SO<sub>2</sub>," or anything like that?

23 A. No.

24 Q. At some point, did -- strike that.

25 At some point was a stairway built to get KBR



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1 repair people up to the leaking equipment?

2 A. Not that I know.

3 Q. So it's just a ladder, or is it a little bit more  
4 than a ladder that you use to get up high?

5 A. I mean, you've got ladders going up you climb.

6 Q. Okay. So there's nothing -- I think Mr. Bell  
7 testified that they made a stairway somewhere so that it  
8 was a little more solid than a ladder to get up there.

9 A. Oh, I don't know.

10 Q. You're not familiar with anything that you would  
11 call a stairway?

12 A. No.

13 Q. Okay. Have there been times where you got to  
14 work in the morning and they were telling you to go out  
15 and fix a leak and they knew that it had been leaking  
16 the night before?

17 A. No. They never tell me that.

18 Q. They don't say that?

19 A. Huh-uh.

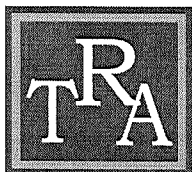
20 Q. Did they ever show you the log book that night  
21 operators keep?

22 A. No.

23 Q. What time do you get to work in the morning?

24 A. I get there about 20 to 7.

25 Q. Okay. So it's already light when you get there?



1 A. Yes, ma'am.

2 Q. Do you recall at some point a big light being  
3 installed out there area of one of the leaking vessels?

4 A. (Witness shaking head).

5 Q. You don't recall?

6 A. No.

7 Q. You're not out there very much when the lights  
8 are turned on; is that right?

9 A. Well, I mean, they've got timers on lights, you  
10 know.

11 Q. And they come on at night?

12 A. Right, because the sensor they got. Yeah, they  
13 got them lights.

14 Q. When do those lights come on; do you know?

15 A. I guess when it gets dark.

16 Q. You're not there then, most of the time?

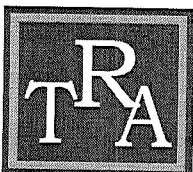
17 A. Right.

18 Q. Okay. When you came out to do the work that once  
19 or twice at night in the last couple years, do you  
20 remember who was working with you at KBR?

21 A. Might have been Jeff Guitreau.

22 Q. Okay. Do any of the other workers you listed who  
23 work on these leaks have any environmental training that  
24 you know of?

25 A. Not that I know of.



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1 Q. Have you ever heard anybody talking about gas  
2 leaks going off site while you've been working at  
3 DuPont?

4 A. No.

5 Q. Nobody's ever talked about that with you?

6 A. Huh-uh.

7 Q. I'm sorry?

8 A. No, ma'am.

9 Q. As far as you know, is it anybody's job to watch  
10 on a daily basis to see if gas leaks are going off site?

11 A. I guess the DuPont operators. I guess the  
12 control guy who at the control board.

13 Q. Okay. It's not your job to determine how bad the  
14 leaks are or how far away they're traveling?

15 A. No, ma'am.

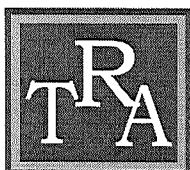
16 Q. Who gets the permits for KBR to do work; is that  
17 Mr. Bell, or do you know?

18 A. Well, Mark Macha take them to the control room  
19 and Percy Bell signs them and gives them back to Mark  
20 and Mark gives them back to Lonnie.

21 Q. Okay. Is it your job to decide what personal  
22 protective equipment you should be wearing, or does  
23 somebody else tell you what you should be wearing?

24 A. They tell us.

25 Q. Who tells you?



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1 A. That's the going to be whoever writes the permit.

2 Q. DuPont people or Mark Macha?

3 A. I guess it would be Mark or DuPont. DuPont has  
4 to look over the permit before they sign.

5 Q. Have you ever seen anybody out there measuring  
6 the amount of gas that's coming out of the leaks while  
7 you were working at DuPont?

8 A. No, ma'am.

9 Q. Have you ever heard anybody talking about any  
10 calculations of how much gas is coming out of the  
11 equipment?

12 A. No, ma'am.

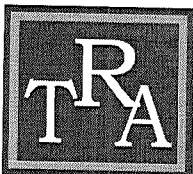
13 Q. So when you're getting an assignment, nobody  
14 says, "Oh, my goodness, we figured out that this much of  
15 gas is coming out. Y'all need to hurry up and get over  
16 there"?

17 A. No, ma'am.

18 Q. Do you ever have to be the one to tell Lonnie or  
19 Mark Macha the amount of gas that's coming out, like not  
20 exactly the quantity, but "We got a lot coming out over  
21 here." We have a little coming over there"? Do you  
22 have to be the one to kind of tell them that?

23 A. I mean, if we can't fix it, we have to tell them.  
24 I mean, other than that...

25 Q. So if you can patch it, the areas that you see



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1     leaking, then you don't -- you're not supposed to tell  
2     anybody; nobody said you have to tell them?

3         A.  No, we don't have to tell them.  If we can stop  
4     it, put the hose on and stop, that's it.

5         Q.  Okay.

6         A.  But if it's too bad, then we have tell them and  
7     then they'd have to go back to DuPont people to make a  
8     decision if they can shut it down for a couple of hours  
9     or six hours and we can try to weld it whatever.

10        Q.  So nobody from -- nobody has told you in the  
11     chain of command from DuPont that you need to go tell  
12     them about every leak that you find?

13        A.  No.

14        Q.  Do you ever have to wear a full acid suit in  
15     connection with acid leaks?

16        A.  No.  I mean, it all depends.

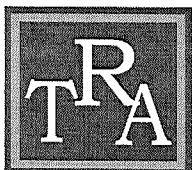
17        Q.  So nobody tells you you have to wear a full acid  
18     suit?

19        A.  They'll put it on the permit.

20        Q.  Do you read all of that, or does somebody relay  
21     that to you verbally?

22        A.  Well, the guy in front of me, the fitter, he'll  
23     say, "We've got to wear this.  This is what we've got to  
24     wear."

25        Q.  Okay.  And who are the fitters, the guys in front



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1 of you?

2 A. Right now it's Jeff Guitreau and Blane Bourgeois.

3 Q. Okay. And they're also welders; right?

4 A. Well, Jeff and Ray is welders. Blane is the  
5 fitter.

6 Q. Okay. When you're replacing a section of the  
7 black hose, is gas just coming out of the ends until you  
8 get the new hose in place?

9 A. Well, the old hose will be there. What we do is  
10 put the new hose in place and then we take one end out,  
11 hook it up to the suction side, then take it out and  
12 then Percy will take the other end off and tie it in.  
13 So we try minimize the gas going into the air.

14 Q. So you try to go fast?

15 A. Yes, ma'am.

16 Q. And when you're doing that, there's nobody around  
17 to measure how much gas is escaping; right?

18 A. Not that I know of.

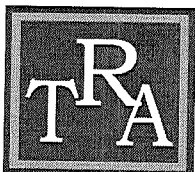
19 Q. And there's no camera that's recording that  
20 repair as far as you know?

21 A. I don't know.

22 Q. Okay. Do you recall any instances where you did  
23 work overtime in connection with the leaks?

24 A. Might have been two weeks ago, maybe.

25 Q. Okay. How many times -- well, when you work



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1 overtime, it's reflected in your checks; right?

2 A. Yes, ma'am.

3 Q. In the last month, have you worked overtime for  
4 anything other than leaks?

5 A. Well, no, not that I know of.

6 Q. What about in the last three months; do you  
7 recall any other time where you've worked overtime?

8 A. I think I worked over, but I can't remember.

9 Q. Okay. Can you recall a time where you worked  
10 overtime on anything other than leaks in the last six  
11 months or so?

12 A. (Witness shaking head).

13 Q. Okay. Other than the leaks, what other work at  
14 DuPont do you do on a regular basis?

15 A. Well, now we're doing stuff getting ready for the  
16 shutdown.

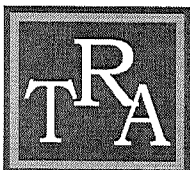
17 Q. Okay.

18 A. And so that's what we've been doing.

19 Q. All right. Before you started getting ready for  
20 a shutdown, what other things, if any, did you work on  
21 at DuPont beside the leaks?

22 A. Well, checking air hoses, check sometimes the  
23 safety showers and might have to go make a repair on a  
24 weld or something.

25 Q. Okay. When you're sent out to work on the leaks



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1 in the morning, how much time would you say you spend  
2 out there doing that work?

3 A. All depends. If we've got to change hoses, it  
4 might take a whole day, 10 hours, with just two people,  
5 you know.

6 Q. Are there any other jobs that you're asked to do  
7 at DuPont that takes as much time as the gas leaks have  
8 been taking over the last three to six months?

9 A. Not that I know.

10 Q. No?

11 A. No.

12 Q. What kind of shutdown is being planned; do you  
13 know?

14 A. Still shutdown to change -- fix the leaks and  
15 stuff, you know, ship out order valves and, you know,  
16 recalibrate, do the campus work and whatever else that  
17 need to be worked on.

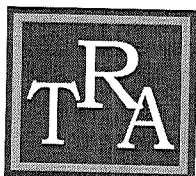
18 Q. Do you know when that shutdown is supposed to  
19 happen?

20 A. Well, they told us we're supposed to start to go  
21 down October 3rd.

22 Q. Do you know what you're supposed to do during the  
23 shutdown?

24 A. No. Not everything that I know right now, no.

25 Q. Generally, are you still going to be working?



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1 A. Well, they go down on the 3rd. Well, we're going  
2 to work that weekend to get it ready for Monday, so, you  
3 know, they can bring the rest of the people in.

4 Q. What people are coming in?

5 A. The other contractor that they hired.

6 Q. Do you know who that is, what company?

7 A. I don't know.

8 Q. Who's in charge of that?

9 A. Of what?

10 Q. Of the calling in the other contractor.

11 A. I don't know. I guess it's Mark. I don't know.  
12 Mark and DuPont.

13 Q. Okay. When y'all replace a section of hose  
14 that's leaking, what do y'all do with the old hose?

15 A. Bring it to the wash bin, wash it and then  
16 they'll take it to the back slap and put it in the  
17 contaminated dumpster.

18 Q. In a contaminated dumpster?

19 A. Yes, ma'am.

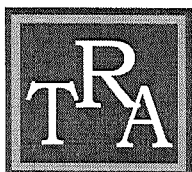
20 Q. And where does it go from there; do you know?

21 A. The landfill or whatever.

22 Q. Is anybody keeping track of the quantity of old  
23 hose that's discarded?

24 A. I couldn't tell you.

25 Q. Are you supposed to write it down and say, "I



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1 removed, you know, 40 feet of" --

2 A. No, ma'am.

3 Q. -- "corrugated hose today"?

4 A. (Witness shaking head).

5 Q. So nobody's asked you to keep track of that?

6 A. No.

7 Q. Has anybody told you that there's a lawsuit  
8 involving the leaks and that you can't destroy evident  
9 that might pertain to the lawsuit?

10 A. No, ma'am.

11 Q. That's not your job to decide; right?

12 A. No, ma'am.

13 Q. Have you ever seen anybody taking pictures of the  
14 leaking equipment at DuPont?

15 A. No, ma'am.

16 Q. Has anybody given you any instructions to take  
17 pictures before you get rid of that old hose?

18 A. No, ma'am.

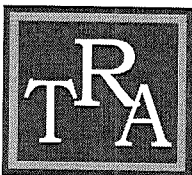
19 Q. Has anybody told you anything about taking  
20 pictures of DuPont?

21 A. No, ma'am.

22 Q. So nobody's told you that you can't take  
23 pictures; right?

24 A. I mean, we can't have no camera.

25 Q. They told you not to bring a camera?



1 A. No, we can't.

2 Q. Who told you that?

3 A. I mean, that's in the orientation.

4 Q. Who conducts the orientation?

5 A. Well, that's Ian Devlin.

6 Q. Ian Devlin?

7 A. (Witness nodding head).

8 Q. And when are those orientations done, when first  
9 start working there, or more often than that?

10 A. Well, when I first started working.

11 Q. Okay.

12 A. They say no cell phone, no camera.

13 Q. Do you know what employees at DuPont do any  
14 repair work on the leaks, if any? Do any DuPont  
15 employees, other than -- not the KBR folks, but any  
16 actual DuPont employees do any work on the leaks?

17 A. No, not that I know of.

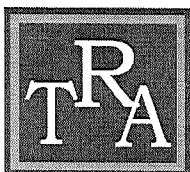
18 Q. Okay. Is there any log book or any kind of form  
19 you fill out after you do the work that says, you know,  
20 what was done?

21 A. No, not that I know. All we have is the permit.

22 Q. Before you go do the work?

23 A. Yes, ma'am.

24 Q. And sometimes you do work that Lonnie Blanchard  
25 may not know exactly what you did that day; right?



1 A. No. He'll know, yeah.

2 Q. So he'll know exactly which piece of hose was  
3 changed and which drum was moved and all of that detail?

4 A. Yes. He should know, yes.

5 Q. Okay. Does he know every hole that's patched or  
6 welded?

7 A. Yes. When it shuts down, yes, they'll know.

8 Q. Okay. So you can only weld if the plant is shut  
9 down?

10 A. Yes, ma'am.

11 Q. Okay. So the only time any welding has been done  
12 on these leaking vessels is during the shutdowns that  
13 you've described today?

14 A. Or take the day. We might say we're going to  
15 shut it down tomorrow, and we'll go on and shut down for  
16 about eight hours.

17 Q. So if there's no welding being done, then it's  
18 just managing the hoses and the boxes?

19 A. Yes.

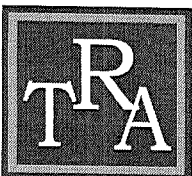
20 Q. And you don't have to fill out a form for every  
21 hole you find in a hose; right?

22 A. No, ma'am.

23 MS. BARNEY:

24 I think that's all I have for right now.

25 Ms. Wiener might have some for you.



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1 MS. WEINER:

2 I'm going to ask you a few questions.  
3 I'm going to move over to that chair just so it's easier  
4 for the court reporter because what we've learned is  
5 when you talk to me, you'll be turning this way and it  
6 will be a little bit harder for her.

7 THE WITNESS:

8 All right.

9 EXAMINATION BY MS. WEINER:

10 Q. Mr. Cayette, I introduced myself before we  
11 started the deposition. I'm Monique Weiner, and I  
12 represent DuPont.

13 A. Yes.

14 Q. The questions that Ms. Barney's been asking you  
15 where she's talking about leaking equipment, I want to  
16 make sure that we're all talking about the same thing.  
17 In your mind, is the leaking equipment the converter,  
18 the HIP and the CIP?

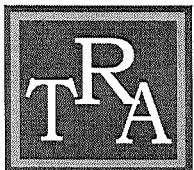
19 A. Yes, ma'am.

20 MS. BARNEY:

21 Objection. Asked and answered.

22 BY MS. WEINER:

23 Q. Are there any other pieces of equipment that  
24 you've seen leaking or that you know there have been  
25 problems with leaking at the plant?



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1 A. Not that I know of. That's it.

2 Q. Okay. You mentioned some other plants that you  
3 worked at before you came to work at the DuPont Burnside  
4 plant.

5 A. Yeah.

6 Q. In your experience with working at those  
7 different plant sites for different companies, does  
8 DuPont run a safe plant?

9 A. Yes.

10 MS. BARNEY:

11 Objection. Lack of foundation.

12 BY MS. WEINER:

13 Q. In comparison to some of the other plants that  
14 you've been at, is DuPont one of the safer plants that  
15 you've worked at?

16 MS. BARNEY:

17 Objection. Lack of foundation.

18 THE WITNESS:

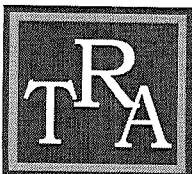
19 It kind of -- yes.

20 BY MS. WEINER:

21 Q. Even with the leaks that you've been describing  
22 here today, do you feel like you're safe when you go out  
23 to work at the DuPont Burnside plant?

24 A. Yes.

25 Q. And we talked a little bit here about today that



1     you're not able to fully read all of the documents that  
2     may be out at the plant, but do you feel like you've  
3     been adequately trained on the principles that are in  
4     those documents so that you can work safely out there?

5             MS. BARNEY:

6                     Objection. Lack of foundation.

7             THE WITNESS:

8                     Yes.

9     BY MS. WEINER:

10            Q. Okay. And you're foreman and your coworkers  
11            realize that you may not be able to read all of the  
12            documents, and they make sure you know what's in them so  
13            that you can work safely; is that right?

14           A. Yes.

15            MS. BARNEY:

16                     Objection. Asked and answered.

17            THE WITNESS:

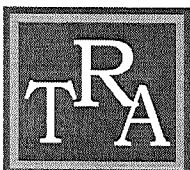
18                     Yes.

19     BY MS. WEINER:

20            Q. Okay. You talked about a lunchroom where there  
21            was that DEQ phone number on the wall. Is there a  
22            separate lunchroom where KBR employees eat as opposed to  
23            where KBR employees eat?

24           A. Yes.

25           Q. And you said in response to Ms. Barney's



1 questions that you would not pick up the phone and call  
2 DEQ. Tell us why you wouldn't.

3 A. Because I might lose my job.

4 Q. Do you feel like you can make reports of concerns  
5 that you have to your supervisor about concerns, and  
6 it's their responsibility to call DEQ if it's  
7 appropriate under the circumstances?

8 A. Yes.

9 Q. Do you feel like you have that ability to talk to  
10 your supervisor in that kind of fashion?

11 A. Well, yeah. If it's something I don't like,  
12 yeah.

13 Q. Okay. So you don't feel like you'd lose your job  
14 if you went to them with concerns and said, "Hey, this  
15 is something that needs to be reported"?

16 A. Yes. I think I'm doing the right thing.

17 Q. And they encourage you to do that?

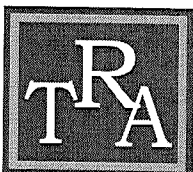
18 A. Yes.

19 Q. Okay. Is it basically your understanding that  
20 they just want to have that communication and  
21 interaction before you're going directly to DEQ to make  
22 sure that this situation is being handled appropriately?

23 MS. BARNEY:

24 Object to form and lack of foundation.

25 THE WITNESS:



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1 Yes.

2 BY MS. WEINER:

3 Q. You talked a little bit about the KBR employees  
4 that have to go out and do the repairs on the converter  
5 or the HIP and the CIP and there's air conditioning that  
6 they'll put on them. This is a separate air  
7 conditioning unit outside at the plant with yellow hoses  
8 attached to it?

9 A. Yes.

10 Q. And those big, yellow -- almost like the ducts  
11 you'll see in your attic at your house; right?

12 A. Right.

13 Q. So it's a whole separate air conditioning system  
14 outside for the workers; right?

15 A. Uh-huh.

16 Q. And that's been put in place so they can work  
17 comfortable and safely on that equipment?

18 A. Right.

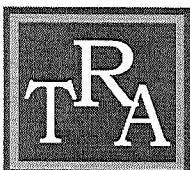
19 MS. BARNEY:

20 Objection. Lack of foundation.

21 BY MS. WEINER:

22 Q. And is that sometimes your job that you'll stand  
23 there and hold those yellow ducts for someone who's  
24 welding or doing their work?

25 A. Well, we'll run it and tie it off.



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1 Q. Okay. So you don't have to stand there and hold  
2 it?

3 A. No, ma'am.

4 Q. But that's part of your job, to tie it off so  
5 that it's in the right place for them?

6 A. Right. Yes.

7 Q. You were asked some questions about the amount of  
8 work that you've had to do in the last six months on the  
9 leaks. In your estimation, if you're able to tell us,  
10 have the leaks been better controlled in the last six  
11 months, or have they been worse in the last six months?

12 A. It's better.

13 Q. With respect to the converter, have you had to  
14 work on the converter at all in the last six months?

15 A. I mean, to check the hoses.

16 Q. Right.

17 A. Yes.

18 Q. You go out to check to make sure they're working,  
19 but have there been any leaks that you've noticed from  
20 the converter in the last six months?

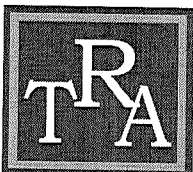
21 MS. BARNEY:

22 Object to the form.

23 THE WITNESS:

24 Any new leaks?

25 MS. WEINER:



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Right.

THE WITNESS:

No.

BY MS. WEINER:

Q. All right. And just for somebody who hasn't been out to the plant or seen these leaks, can you describe for us, when you go up to do a repair on a leak, is it like the thing is fuming and there's mist and all of this coming out, or sometimes do you have to find the leak, you can't even see it?

A. To repair the leak or --

Q. Right. To repair it.

A. Well, when they shut the plant down, sometimes you can't find it because you've got to strip the insulation.

Q. So once the insulation is stripped, you almost have to have the plant running to be able to see the leak --

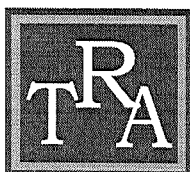
A. Sometimes, yeah.

Q. And when the plant is running and you can isolate that leak and find it once that insulation is off, how big are the leaks that you have seen?

MS. BARNEY:

Object to form, lack of foundation.

THE WITNESS:



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1                   Most of them's cracked. Sometimes they'd be  
2 about maybe a foot long.

3 BY MS. WEINER:

4       Q. Is a foot-long crack an average leak that you've  
5 seen, or is that kind of a big one or a small one?

6       A. That's about the average.

7       Q. And where would the crack be, in the house, or  
8 where is the crack you're talking about?

9       A. No. When you're looking for the leaks, it would  
10 be in the weld sometimes.

11       Q. Okay. In the weld of the equipment itself?

12       A. Right, because the equipment, when you bring it  
13 down, it's cooled off, so when they weld on it, it's got  
14 to expand when it comes back up to a certain  
15 temperature, if they don't heat stretch it, it will  
16 crack.

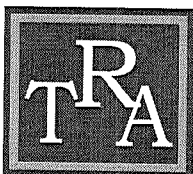
17       Q. Right.

18       A. Because it's got to expand.

19       Q. So when you see a one-foot crack, how wide is  
20 that one foot crack? I'm trying to get --

21       A. Well, I mean, a crack, you're going to see it, I  
22 mean, it will be like that (indicating) because the  
23 metal is hot, and once it cools down, it will do this  
24 (indicating), close up.

25       Q. Right. And I understand what you're saying with



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1 your hands, but when we get this little booklet, it  
2 might be hard to read.

3 So when you said about like that, are you saying  
4 about maybe a quarter-inch crack or a half inch or...

5 A. No. It would be like maybe a quarter.

6 Q. So maybe a quarter-inch crack that's a foot long?

7 A. Yes.

8 Q. Do you know enough about how the process works to  
9 be able to see what chemical is actually coming out of  
10 that crack, whether is sulfuric acid or if it's SO2 or  
11 SO3? Do you even know what specifically it is at that  
12 point?

13 A. It would be fuming acid. SO2 is separate.

14 Q. So this is not SO2 coming out of these leaks --

15 A. No.

16 Q. -- it's fuming acid?

17 A. Yes.

18 Q. All right. Is your understanding that fuming  
19 acid and SO3 are the same thing, or is it different?

20 A. Me, I just treat it like the same.

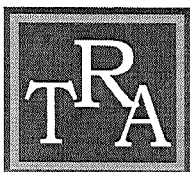
21 Q. But you call it fuming acid, and --

22 A. Right.

23 Q. -- that's what your understanding of it is?

24 A. Right.

25 Q. You mention that you get to the plant about 6:40



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1 in the morning. How long does it take you to get to the  
2 plant? How far away do you live?

3 A. I'm about 15 minutes.

4 Q. Okay. You were asked some questions about DEQ or  
5 OSHA coming out to the plant to look at any of the leaks  
6 for assessment issues. Is it possible that they would  
7 come and you wouldn't be aware of it?

8 A. No, because they go up there to DuPont.

9 Q. Right. You wouldn't be involved in that process?

10 A. No, ma'am.

11 Q. So they could have come out to the plant and been  
12 with DuPont people, and there would be no reason for you  
13 to be involved?

14 A. Right.

15 Q. When you are there doing the repairs and you can  
16 see these cracks, and one of them that we talked about  
17 was a foot long, quarter of an inch wide, and you said  
18 that's about the average. What's the biggest leak point  
19 that you've ever seen on the equipment?

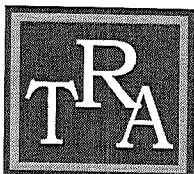
20 A. Mostly, I mean, like finger a hole, about your  
21 finger size. That's about it.

22 Q. Okay. Do they ever get longer than a foot --

23 A. No.

24 Q. -- by the time you get to them?

25 A. Huh-uh.



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1 Q. All right. What's the smallest one you've ever  
2 seen?

3 A. About like that (indicating).

4 Q. So maybe three inches long?

5 A. Three or four inches.

6 Q. Three or four inches long, and just a  
7 quarter-inch wide or maybe even smaller?

8 A. Yeah. Sometimes it just be cracked.

9 Q. All right. And regardless of whether the leak is  
10 coming from the converter or the CIP or the HIP, you  
11 think it's the fuming acid is what's coming out of all  
12 the pieces of equipment; is that right?

13 A. Yes.

14 MS. BARNEY:

15 Objection. Calls for speculation.

16 MS. WEINER:

17 Okay.

18 BY MS. WEINER:

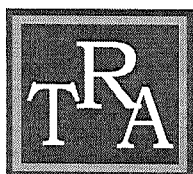
19 Q. When you do your work at the plant, do you have a  
20 computer assigned to you?

21 A. No, ma'am.

22 Q. Do you have an e-mail account?

23 A. No, ma'am.

24 Q. Do you personally prepare any documents or hold  
25 any documents, like you don't have any files or an



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1 office that you go to?

2 A. No, ma'am.

3 Q. So when Ms. Barney was asking you questions about  
4 whether you've been told to retain documents or hold on  
5 to them for this litigation, you don't have any  
6 documents, do you?

7 A. No. I don't have anything. I was shocked when I  
8 got this paper.

9 Q. I understand. I understand.

10 And then you were asked some questions about  
11 cameras and taking photographs and the fact that, you  
12 know, you're not supposed to bring cameras to the DuPont  
13 plant and take pictures there. Do you know if that was  
14 the case at other plants that you were at, too, like  
15 Exxon or other plants that they don't want you to take  
16 pictures of their plants as well?

17 A. Probably so.

18 Q. It's not unusual at a plant site?

19 MS. BARNEY:

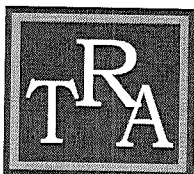
20 Objection. Lack of foundation.

21 THE WITNESS:

22 No.

23 BY MS. WEINER:

24 Q. All right. Do you have any knowledge as to why  
25 Jeff Simoneaux left his employment at DuPont? Have you



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1 ever talked to him about it?

2 A. No. All I know is that him and DuPont has  
3 something going on in the front office. That's all I  
4 know.

5 Q. You never knew any specifics about what it was  
6 about or anything like that?

7 A. No.

8 Q. All right.

9 MS. WEINER:

10 I appreciate your time. I think that's  
11 all I have.

12 MS. BARNEY:

13 I just have a couple, and I think that  
14 will be it.

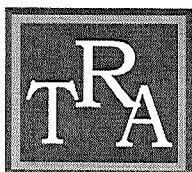
15 RE-EXAMINATION BY MS. BARNEY:

16 Q. Have you ever been told whether your supervisors  
17 called DEQ or EPA?

18 A. No, ma'am.

19 Q. Okay. And I believe we talked about Percy Bell  
20 and his knowledge of the operations. Would you defer to  
21 Percy Bell on what kind of chemicals are in the  
22 different pieces of equipment and coming out of that  
23 equipment when it leaks?

24 A. If it's something I want to know, I'll go to him  
25 because he's been there the longest --



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1 Q. Okay.

2 A. -- out of all of the operations.

3 Q. So if he says SO3 is coming out of the equipment  
4 when it's leaking, you wouldn't dispute that; right?

5 A. No.

6 Q. Okay.

7 MS. BARNEY:

8 I think that's all I have.

9 THE WITNESS:

10 That's it?

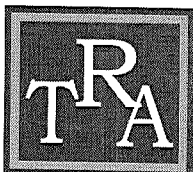
11 MS. WEINER:

12 Mr. Cayette, you get to go.

13 MS. BARNEY:

14 Thank you.

15 (Testimony concludes at 11:35 a.m.)  
16  
17  
18  
19  
20  
21  
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25



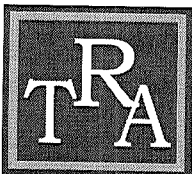
1  
2 REPORTER'S CERTIFICATE:  
3

4 I, ELICIA H. WOODWORTH, Certified Court  
5 Reporter in and for the State of Louisiana, as the  
6 officer before whom this testimony was taken, do hereby  
7 certify that Robert Cayette, after having been duly  
8 sworn by me upon authority of R.S. 37:2554, did testify  
9 as hereinbefore set forth in the foregoing 84 pages;

10 That this testimony was reported by me in  
11 the stenotype reporting method, was prepared and  
12 transcribed by me or under my personal direction and  
13 supervision, and is a true and correct transcript to the  
14 best of my ability and understanding;

15 That the transcript has been prepared in  
16 compliance with transcript format required by statute or  
17 by rules of the board, that I have acted in compliance  
18 with the prohibition on contractual relationships, as  
19 defined by Louisiana Code of Civil Procedure Article  
20 1434 and in rules and advisory opinions of the board;

21 That I am not related to counsel or to the  
22 parties herein, nor am I otherwise interested in the  
23 outcome of this matter.  
24  
25



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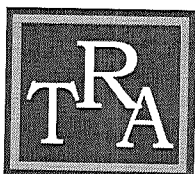
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1 Dated this 1st day of October, 2013.  
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3  
4



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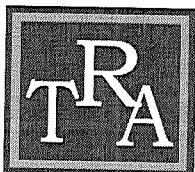
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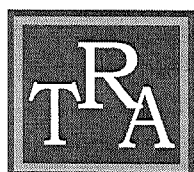
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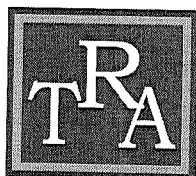
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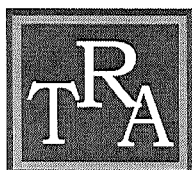
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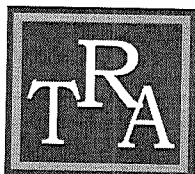
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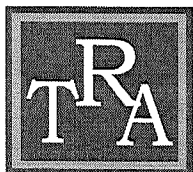
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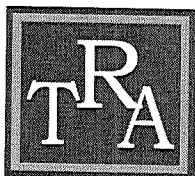
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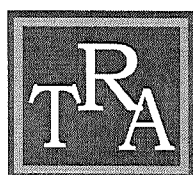
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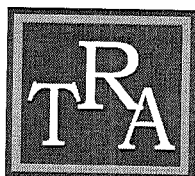
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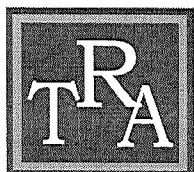
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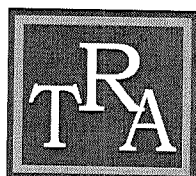
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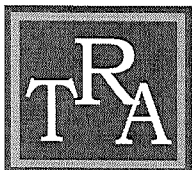
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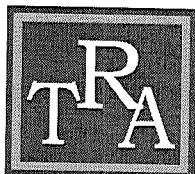
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## DUPONT CONTRACTOR

### Job Safety Analysis/Safety Task Assignment Instructions:

- The purpose of this document is to identify and eliminate HAZARDS.
- To be completed by contractor lead person or supervisor with employee participation prior to beginning work.
- If conditions change during the course of the job, STOP! And re-evaluate the task with SUPERVISION before proceeding.
- Follow all plant and area safety rules as well as those listed in your green book.

### General Information

Contractor: KBR  
 Supv./Lead Person: MARK MACHA  
 Date: 7-22-12 Time: 0900  
 Job/Task Description: Repair gas leak hoses on converter  
 Bldg./Unit/Area: Converter

### Emergency Action Plan

Evacuation route/Assembly post: Dupont  
 Alternate route/Post: K-12  
 Nearest Alarm Box: \_\_\_\_\_  
 Unit Fire Alarm Numbers: \_\_\_\_\_  
 Unit Fume Release Number: \_\_\_\_\_  
 Nearest PA/Intercom: Water Plant  
 Nearest Safety Shower/Eyewash Station: Water  
 Weather Conditions: Cloudy  
 Wind Direction: Calm  
 Emergency Phone #: Intercom

### \*Job Scope Change\*

Corrective Action: \_\_\_\_\_

☒ Update ISA ☐ New ISA

Supv/Lead Signature: \_\_\_\_\_

### Permits and/or Notification Required:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Work Permit   | <input type="checkbox"/> Line Break Permit    |
| <input type="checkbox"/> Flame/Spark/Hot Work Permit  | <input type="checkbox"/> Rescue Plan          |
| <input type="checkbox"/> Vessel/Confined Space  | <input type="checkbox"/> S43G Checklist       |
| <input type="checkbox"/> Applicable MSDS  | <input type="checkbox"/> Excavation Checklist |
| <input type="checkbox"/> Excavation Permit  | <input type="checkbox"/> Welding Procedure    |
| <input type="checkbox"/> Knife Procedure  |   |
| <input type="checkbox"/> Hot Tap  |   |
| <input type="checkbox"/> Electrical Close Proximity for Equipment                           |   |
| <input type="checkbox"/> Electrical Close Proximity for Personnel                           |   |
| <input type="checkbox"/> Crane/Suspended Work Platform                                      |   |
| <input type="checkbox"/> Critical Lift Plan   |   |
| <input type="checkbox"/> Mobile Equipment Permit for Work Near Hazardous/Critical Pipelines |   |
| <input type="checkbox"/> Specific Written Job Plan  |   |
| <input type="checkbox"/> Fall Protection Plan   |   |
| <input type="checkbox"/> Other Permits  |   |

Are all pertinent permits/notifications in place?

☐ Yes ☐ No

### Hand Safety Analysis

#### Hands/Fingers Exposed to:

- ☒ Cuts by sharp edges/cutting implements
- ☐ Abrasions caused by friction/moving parts
- ☒ Burns caused by extreme heat/cold
- ☐ Contusion caused by falling objects
- ☐ Crushing by sharp edges/cutting implements
- ☐ Irritation from chemicals/flammables
- ☒ Punctures from sharp pointed objects
- ☐ Electrical Shock
- ☐ Overexertion/Repetitive Work

Do you have the correct tool for the job?

- ☒ Is it in safe condition?
- ☒ Is it inspected?

Have you inspected materials for:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Slippery Surfaces | <input type="checkbox"/> Rough Surfaces          |
| <input type="checkbox"/> Jagged Edges                 | <input type="checkbox"/> Burns                   |
| <input type="checkbox"/> Slivers                      | <input checked="" type="checkbox"/> Pinch Points |
- ☐ Is Equipment properly locked out?
  - ☐ Machines/Tools Guards in Place?
  - ☐ Wearing Jewelry/Loose Clothing that could be caught in moving parts?
  - ☐ Tool Kick Back

Type of Hand Protection Required?

Leather/Acrylic/Chemical/etc. (Be Specific)

Other: \_\_\_\_\_

EXHIBIT # \_\_\_\_\_

DEPONENT R. Cayotte



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Is the proper equipment/tool being used for the job and has it been inspected?

☒ Yes ☐ No (If No - Action Required)

Are operators qualified on the type of tool or equipment being used?

☒ Yes ☐ No (If No - Action Required)

Do all personnel have required training?

☒ Yes ☐ No (If No - Action Required)

### Standby Equipment

- |  |   |
|--|---|
| <input type="checkbox"/> O <sub>2</sub> /LEL Meter | <input type="checkbox"/> 5 Minute Air Packs   |
| <input type="checkbox"/> 30 Minute SCBA            | <input type="checkbox"/> Life Line for Rescue |
| <input type="checkbox"/> Air Horn                  | <input type="checkbox"/> Two-Way Radio        |
| <input type="checkbox"/> Fire Extinguisher         |   |

Type: \_\_\_\_\_

Class: \_\_\_\_\_

☐ Fire Watch

☐ Other: \_\_\_\_\_

### Reference Section

- ☒ Hearing Protection
- ☐ Monogoggles Worn
- ☐ Breathing Air
- ☐ Respirator Type/Cartridge
- ☐ Full Body Protection
- ☒ 100% Fall Protection
- ☐ Face Shield
- ☐ Electrical Arc Protection
- ☐ Leg/Foot Protection
- ☐ Other PPE

- ☐ Scaffold Required ☐ Standard (10-Ft. Span)
- ☐ Medium (8-6 Ft. Span) ☐ Heavy (4 Ft. Span)
- ☐ Barricade Area-Rigid/Warning
- ☐ Post Warning Signs
- ☐ Housekeeping
- ☐ Mobile Equipment
- ☐ Power Tools Charles (and)
- ☒ GFCI Required (test before each use)
- Other Precautions: KBR000005

List all hazards that apply:

Chemical Hazards  
Preventive Measure

PPE Required

Confined Space  
Preventive Measure

PPE Required

Congested Area  
Preventive Measure

PPE Required

Electrical  
Preventive Measure

PPE Required

Elevated Work  
Preventive Measure *Barbed wire Area*

PPE Required *Gloves*

Environmental  
Preventive Measure

PPE Required

Heat/Cold  
Preventive Measure *Take Break Drink Plenty of fluids*

PPE Required *Respirator*

High Noise  
Preventive Measure *Wear Hearing Protection*

PPE Required *Plugs*

Hot Pipe/Equipment  
Preventive Measure

PPE Required

Lifting  
Preventive Measure

PPE Required

Line of Fire  
Preventive Measure *Watch Back*

PPE Required *Wear PPE*

Lock Out/Tag Out  
System Lockout  
Lock out box #/Location  
PPE Required

Manual Material Handling  
Preventive Measure

PPE Required

Mechanical Material Handling  
Preventive Measure

PPE Required

Pinch Points  
Preventive Measure *Between of finger Placement Claws*

PPE Required

Poor Lighting  
Preventive Measure

PPE Required

Respiratory Hazards (Dust/Fume/Vapor)  
Preventive Measure

PPE Required

Scaffold  
Inspected  
Preventive Measure

PPE Required

Sharp Objects  
Preventive Measure *Watch for Sharp Edges*

PPE Required *Knit Gloves*

Slip/Trip  
Preventive Measure *Watch footing*

PPE Required *Good Sole Shoes*

Trapped Liquid  
Preventive Measure

PPE Required

Other (Be Specific)

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION AND HAVE RECEIVED VERBAL INSTRUCTION FROM MY SUPERVISOR/LEAD PERSON. I HAVE ALSO READ AND UNDERSTOOD ALL THE NECESSARY PERMITS REQUIRED FOR THIS TASK. (SIGN BELOW)

Print Name

Signature

*J. D. Smith*  
*R. C. Smith*

*J. D. Smith*  
*R. C. Smith*

*MARK MACHA* *M. Macha*

Post Job Requirements:

☒ Locks Removed. ☒ Work Area Clean

☒ Tools/Materials/Equipment Stored Properly

☒ Trash/Scrap/Waste in Correct Containers

☐ Other

☐ Did an incident or near miss occur?

☐ If yes, explain

☐ Was it reported to safety?

☐ Was it reported to the Unit/Area?

Supervisor/Lead Person Signature

*J. D. Smith*

## Job Hazard Analysis

JOB HAZARD ANALYSIS (JHA) IS AN IMPORTANT ACCIDENT PREVENTION TOOL THAT WORKS BY FINDING HAZARDS AND ELIMINATING OR MINIMIZING THEM BEFORE THE JOB IS PERFORMED AND BEFORE THEY HAVE A CHANCE TO BECOME ACCIDENTS. USE YOUR JSA FOR JOB CLARIFICATION & HAZARD AWARENESS

[illegible]

~~KBR000007~~